

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
CIVIL ACTION NO. 5:12-CV-00147-RLV**

ERIC WILFORD MORRISON,

Petitioner,

v.

UNITED STATES OF AMERICA,

Defendant.

ORDER

This case was remanded for a determination of whether Morrison has demonstrated excusable neglect or good cause warranting an extension of the 60-day appeal period. (D.E. 36) (dated 8/4/16). This Court reaffirms its prior order indicating that Morrison demonstrated excusable neglect under Rule 4 of the Federal Rules of Appellate Procedure. (D.E. 34) (dated 2/22/16). However, this Court vacates the prior order stating that the notice of appeal is deemed filed as of January 4, 2016 (D.E. 34, at 2). The notice of appeal is deemed filed as of January 14, 2016, *see* (D.E. 32-2, at 1), which is still within the excusable neglect period.

SO ORDERED.

Signed: August 8, 2016



Richard L. Voorhees
United States District Judge

